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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,692	02/06/2002	Christopher J. O'Donnell	PC11080A	9227

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EXAMINER

COLEMAN, BRENDA LIBBY

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,692

Applicant(s)

O'DONNELL ET AL.

Examiner

Brenda L. Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 are pending in the application.

This action is in response to applicants' amendment filed January 3, 2005.

Claims 1 and 12-15 have been amended.

Response to Amendment

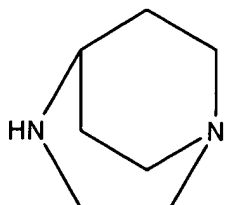
Applicant's amendments filed January 3, 2005 have been fully considered with the following effect:

1. With regards to the 35 U.S.C. § 112, first paragraph rejection of claims 1-4 and 6-15, the applicants' amendments and remarks have been fully considered but they are not found persuasive. In the present application Claims 1-4, 6 and 7 are deemed not enabled insofar as the generic formula of Claim 1 is exemplified only for the case where m is 2; o is 1 and n is 1. Thus, the embodiments of the generic formula where m is 1; o is 2 and n is 2 are not exemplified. The applicants' state "it is well established that the specification need teach only one mode of making and using a claimed product".

Although every member of a Markush group need not be supported by a specific example directed thereto, Ex part D'Alelio (POBA 1962) 137 USPQ 603, each member should be specifically contemplated in the specification and the Markush group should be supported by a generic teaching and examples, which teach how to prepare those members whose preparation is not specifically disclosed and there is no reason advanced why all of the compounds of the claimed genus will not have the properties ascribed to them. The applicants have not exemplified 87% (seven eighths) of the compounds with respect the variables m, n and o let alone the other variables in the

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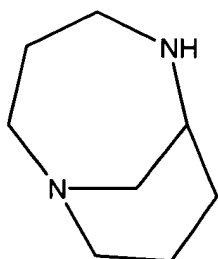
compounds of formula I. The applicants' stated in their response filed April 26, 2004 that, "Exemplification of half the meanings of the radicals is sufficient to enable those skilled in the art to make and use all members having the claimed meanings of m, o and n". However, half of the meanings of the radical m, o and n are not exemplified. There are more than two different structures form by the variables m, n and o. The applicants have only mentioned where m is 2; o is 1 and n is 1 which is as follows:



1,4-diaza-bicyclo[3.2.2]nonane

This is exemplified in the claims and by examples.

Compounds where m is 1; o is 2 and n is 2, which is as follows:

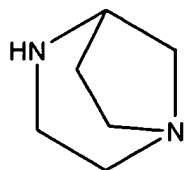


1,5-diaza-bicyclo[4.3.1]decane

This is not exemplified by examples or specifically contemplated in the specification. In addition to the two ring systems mentioned by the applicants, there are also the compounds where the ring system can be such that

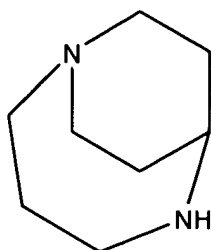
m is 1; o is 1 and n is 1 which is as follows:

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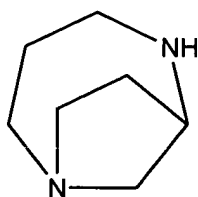
1,4-diaza-bicyclo[3.2.1]octane ;

m is 2; o is 2 and n is 1 which is as follows:



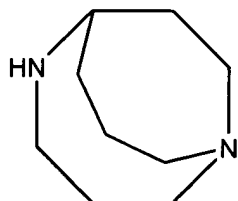
1,5-diaza-bicyclo[4.2.2]decane ;

m is 1; o is 2 and n is 1 which is as follows:



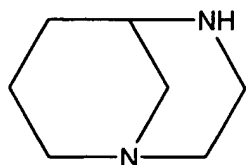
1,5-diaza-bicyclo[4.2.1]nonane ;

m is 2; o is 2 and n is 2 which is as follows:



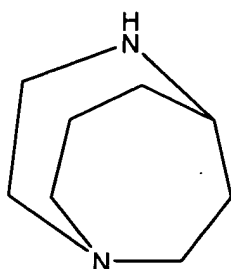
1,5-diaza-bicyclo[4.3.2]undecane ;

m is 1; o is 1 and n is 2 which is as follows:



1,4-diaza-bicyclo[3.3.1]nonane ,

m is 2; o is 1 and n is 2 which is as follows:



1,4-diaza-bicyclo[3.3.2]decane ,

each of which are generically claimed herein. However, the applicants have no examples for any of these ring systems or are specifically contemplated in the specification.

With regards to the rejection of claims 9, 11, 13 and 15, the applicants' state that "the literature establishes that α -7 nicotinic receptor agonists are effective in the treatment of schizophrenia and that the compounds within the scope of the formula of Claim 1, from which Claims 9, 11, 13 and 15 each depend, are α -7 nicotinic receptor agonists". The applicants also stated "this evidence, e.g. the teaching in the prior art of the class of compounds having the claimed utility in combination with the specification teaching of the claimed compounds being in the class of compounds having the claimed utility, is enough to establish enablement even in the absence of a showing of this utility". However, while the compounds of the present Formula (I) may have been shown to have a positive effect in schizophrenia, this does not provide enablement for

the treatment and/or prevention of the diseases and disorders as claimed herein.

Evidence must demonstrate that α -7 nicotinic receptor agonists and neurodegenerative diseases as a class are treatable.

It has been recited in claims 12-15, a method of treating a list of central nervous system diseases and disorders. There is no such an agent, which can treat central nervous system diseases and disorders generally. That is because central nervous system diseases and disorders are extremely varied in origin and nature of effect. The origin and the nature of many central nervous system diseases and disorders are different one from the other. Many central nervous system diseases and disorders are untreatable to this day.

The symptoms and nature of these diseases are also different one from the other. It can be shown that many of these central nervous system diseases and disorders have different origin and nature of effect. Many central nervous system diseases and disorders vary in how they affect the body and its functions. Diseases such as Cerebral palsy, and Parkinson's disease affect the movement of the patient. Diseases such as Alzheimer's disease affect the memory of the patient.

Where the utility is unusual or difficult to treat or speculative, the examiner has authority to require evidence that tests relied upon are reasonably predictive of in vivo efficacy by those skilled in the art. See *In re Ruskin*, 148 USPQ 221; *Ex parte Jovanovics*, 211 USPQ 907; MPEP 2164.05(a).

Patent Protection is granted in return for an enabling disclosure of an invention, not for vague intimations of general ideas that may or may not be workable. Tossing out

the mere germ of an idea does not constitute enabling disclosure. *Genentech Inc. v. Novo Nordisk* 42 USPQ2d 1001.

Claims 1-4, 6, 7 and 12-15 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for reasons of record and stated above.

2. With regards to the 35 U.S.C. § 112, first paragraph rejection of claims 12-15, the applicants' amendments and remarks have been fully considered but they are not found persuasive. The applicants' state "there is no question that the prior art indicates that the use of such agonists in the treatment of central nervous disorders is reasonable since they have been successful in this treatment". However, Larsson herein provided clearly indicates that "studies aimed at defining the nAChR subpopulation(s) involved in mediating ethanol-induced locomotor stimulation and accumbal dopamine overflow as well as ethanol-intake have revealed that $\alpha_3\beta_2$ or α_6 but not $\alpha_4\beta_2$ (using dihydro- β -erythroidine) or α_7 (using nethylllycaconitine), could represent targets for developing drugs in the treatment of alcoholism". As stated in the last office action symptomatic effects of drug abuse are a result of alterations in the functioning of the following neurotransmitters or their receptors: acetylcholine, dopamine, gamma-aminobutyric acid, norepinephrine, opioids and serotonin. Acetylcholinergic drugs antagonize acetylcholine receptors. Dissociative drugs affect all transmitter sites. Opiates act on both opioids and adrenergic receptor sites. Psychedelic drugs stimulate serotonin release, and sedative-hypnotic drugs potentiate the gamma-aminobutyric acid receptor.

As stated by Giannini, specific signs and symptoms are associated with the neurotransmitters and receptors affected by each drug class.

Claims 12-15 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for reasons of record and stated above.

3. With regards to the 35 U.S.C. § 112, first paragraph rejection of claims 12-15 the applicants' amendments and remarks have been fully considered but they are not found persuasive. The applicants' state that "there is no question that the prior art indicates that the use of such agonists in the treatment of central nervous disorders is reasonable since they have been successful in this treatment". The applicants' also refer to the prior art mentioned in the specification, which indicates that α -7 nicotinic receptor agonists are therapeutic in the treatment of schizophrenia and other central nervous system disorders. However, the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

As stated in the last office action it is difficult to treat many of the disorders claimed herein. Recent studies on experimental and clinical pharmacology of nicotinic acetylcholine receptors cited in Annual Reports in Medicinal Chemistry indicate that the

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following disorders may be associated with nicotinic acetylcholine receptors: senile dementia of the Alzheimer's type, Parkinson's disease, Huntington's chorea, tardive dyskinesia, hyperkinesia, mania, depression, attention deficit disorder, anxiety, dyslexia, schizophrenia, Tourette's syndrome and smoking cessation. The "nicotinic" effect with respect to Alzheimer's is hypothesized. Parkinson's Disease is "presently of unknown etiology" and recent studies have exhibited dosing problems as well as "unusually high placebo effects". The pathophysiology of Tourette's syndrome is unknown. The treatment of ulcerative colitis is currently "limited to anti-inflammatories, immunosuppressants and antibiotics". Additionally, there are other pathological non-CNS conditions, such as pouchitis and influenza virus-induced pneumonitis, where nicotine efficacy has been reported, but remains to be confirmed.

Claims 12-15 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, for reasons of record and stated above.

4. With regards to the 35 U.S.C. § 112, second paragraph rejections labeled d), h), i), j), k), l), m), n), o), p), q), r), s), t), u), v), w), x), y), z), aa), ab) and ac), the applicants' amendments and remarks have been fully considered but they are not found persuasive.

d) The applicants' state that "the α -7 nicotinic receptor agonizing effective amount of a compound within the scope of the generic formula of Claim 1 is an amount known to those skilled in the art". However, the rejection is with respect

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to the statement of intended use in a composition claim. The composition claims 8, 10, 12 and 14 are to a compound of claim 1 and a pharmaceutically acceptable carrier. The statement of intended use of the resulting compositions is not given any patentable weight where that which is claimed is the compound plus its carrier.

h) to ab) The applicants' state that "the compounds subject to this ground of rejection all include substituted phenyl compounds" and that they were not provisoed out of the scope of the generic formula. However, claim 1 from which they depend contains the following proviso: with the proviso that when n is one, o is one, m is two, X is oxygen and Y is oxygen or R^1 , then Q cannot be unsubstituted phenyl or phenyl substituted only with one or more substituents selected from the group consisting of halo, trifluoromethyl, trifluoromethoxy, cyano, hydroxy, (C_1-C_6) alkyl, (C_1-C_6) alkoxy, the group $-OCH_2O-$ attached to both the meta and para positions of the phenyl ring, the group $-CH_2CH_2CH_2CH_2-$ attached to both the meta and para positions of the phenyl ring, and phenoxy or phenyl wherein said phenyl and the phenyl moiety of said phenoxy can optionally be substituted with one or more substituents selected from the group consisting of halo, trifluoromethyl, trifluoromethoxy, cyano, hydroxy, (C_1-C_6) alkyl, and (C_1-C_6) alkoxy of which each of the following species fall.

h) is bromophenyl, i.e. halo substituted phenyl;

i) is cyanophenyl;

j) is iodophenyl;

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- k) is methoxyphenyl, i.e. (C₁-C₆) alkoxy substituted phenyl;
- l) is tert-butylphenyl, i.e. (C₁-C₆) alkyl substituted phenyl;
- m) is trifluoromethylphenyl;
- n) is chlorophenyl;
- o) is cyanobiphenyl, i.e. phenyl substituted only with one or more substituents selected from the group consisting ofphenyl wherein said phenylcan optionally be substituted with one or more substituents selected from the group consisting ofcyano;
- p) is bromobiphenyl, i.e. phenyl substituted only with one or more substituents selected from the group consisting ofphenyl wherein said phenylcan optionally be substituted with one or more substituents selected from the group consisting ofhalo;
- q) is fluorophenyl;
- r) is phenoxyphenyl, i.e. phenyl substituted only with one or more substituents selected from the group consisting ofphenoxy;
- s) is methylbiphenyl, i.e. phenyl substituted only with one or more substituents selected from the group consisting ofphenyl wherein said phenylcan optionally be substituted with one or more substituents selected from the group consisting of(C₁-C₆) alkyl;
- t) is chlorobiphenyl;
- u) is methoxybiphenyl, i.e. phenyl substituted only with one or more substituents selected from the group consisting ofphenyl wherein

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said phenylcan optionally be substituted with one or more substituents selected from the group consisting of(C₁-C₆) alkoxy; v) is biphenyl, i.e. , i.e. phenyl substituted only with one or more substituents selected from the group consisting ofphenyl; w) is bromo-dimethylphenyl; x) is bromo-methylphenyl; y) is bromo-chlorophenyl; z) is dimethylphenyl; aa) is dimethylbiphenyl; and ab) is bromo-phenyl.

ac) The applicants' failed to comment of this rejection.

Claims 9, 11, 13, 15, 17, 18 and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention, for reasons of record and stated above.

5. With regards to the 35 U.S.C. 101, rejection of claims 17-20 the applicants' amendments and remarks have been fully considered but they are not found persuasive. The applicants' state that "Claims 17 to 20 are directed to species which the Official Action avers are compounds specifically provisoed out of the generic formula of Claim 1, from which each of Claims 17 to 20 depend" and that "the compounds recited in Claims 17 to 20 have not been provisoed out of the application insofar as the proviso requires the conditions mentioned above which, applicants

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submit, is not met by the rejected species which contained substituted phenyl groups". However, the proviso in the specification on page 4, line 35 through page 5, line 6 is as follows: with the proviso that when n is one, o is one, m is two, X is oxygen and Y is oxygen or R¹, then Q cannot be unsubstituted phenyl or **phenyl substituted only with one or more substituents selected from the group consisting of halo, trifluoromethyl, trifluoromethoxy, cyano, hydroxy, (C₁-C₆) alkyl, (C₁-C₆) alkoxy, the group -OCH₂O- attached to both the meta and para positions of the phenyl ring, the group -CH₂CH₂CH₂CH₂- attached to both the meta and para positions of the phenyl ring, and phenoxy or phenyl wherein said phenyl and the phenyl moiety of said phenoxy can optionally be substituted with one or more substituents selected from the group consisting of halo, trifluoromethyl, trifluoromethoxy, cyano, hydroxy, (C₁-C₆) alkyl, and (C₁-C₆) alkoxy.** This proviso clearly excludes the species as indicated above.

Claims 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility, for reasons of record and stated above.

Claims 17-20 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention for reasons of record and stated above.

6. The applicant's amendments and arguments are sufficient to overcome the 35 USC § 112, second paragraph rejection labeled a), b) and c) of the last office action,

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which are hereby **withdrawn**. However, with regards to the 35 U.S.C. § 112, second paragraph rejections labeled d), e), f), g), h) and i), the applicants' amendments and remarks have been fully considered but they are not found persuasive.

d-i) The applicants' state that "the compounds focused upon in items (d) to (i) are not properly dependent from Claim 1, insofar as these species are outside the scope of the compound having the structural formula I in Claim 1, is predicated upon the proviso discussed above" and that "not only are the compounds subject to this alleged absence of antecedent bases within the scope of the generic formula, but, in addition, the proviso does not apply to these compounds". It is noted that the proviso does not apply to these compounds, however, they still lack antecedent basis as follows:

d) is 2-nitro-phenyl ester however at no time can Q be a phenyl i.e. (C₆-C₁₁) aryl substituted with a nitro group, the moiety Q is optionally substituted with one to six substituents R² independently selected from the group consisting of H, F, Cl, Br, I, cyano, CF₃, -NR³R⁴, -NR³C(=O)R⁴, -NR³C(=O)NR⁴R⁵, -NR³S(=O)₂NR⁴, -NR³S(=O)₂NR⁴R⁵, -OR³, -OC(=O)R³, -OC(=O)OR³, -OC(=O)NR³R⁴, -OC(=O)SR³, -C(=O)OR³, -C(=O)R³, -C(=O)NR³R⁴, -SR³, -S(=O)R³, -S(=O)₂R³, -S(=O)₂NR³R⁴, and R³;

e) is methyl ester however at no time can Q be methyl, i.e. (C₁-C₈) alkyl;

f) is isobutyl ester however at no time can Q be isobutyl, i.e. (C₁-C₈) alkyl;

g) is octyl ester however at no time can Q be octyl, i.e. (C₁-C₈) alkyl;

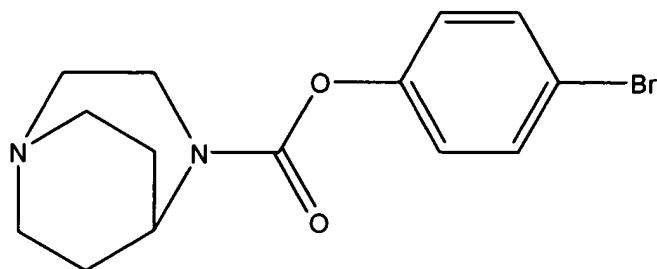
h) is ethyl ester however at no time can Q be ethyl, i.e. (C₁-C₈) alkyl;

i) is propyl ester however at no time can Q be propyl, i.e. (C₁-C₈) alkyl.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, for reasons of record and stated above.

7. With regards to the 35 U.S.C. 102(a) anticipation rejection of claim 20 the applicants' amendments and remarks have been fully considered but they are not found persuasive. The applicants stated that "1,4-diaza-bicyclo[3.2.2]nonane-carboxylic acid 4-bromo-phenyl ester applicants aver, is outside the scope of the generic compound I of Gallet et al. and the applicants' point to the structural formula I of Gallet et al which requires that the meaning of Y in the structural formula 1 of Claim 1 of the present application, from which Claim 20 depends, be a bond, in the case where n is 0, or oxygen, sulfur or NR¹, where R¹ is hydrogen, C₁-C₈ alkyl C(=O)OR⁶ or -C(=O)NR⁶R⁷, suffice it to say, none of these meanings hydrogen is equivalent to the meaning of alkylene, e.g. (CH₂)_n, where n is 0, 1 or 2, as required by Gallet et al. and as such, the compound of Claim 20, which is properly dependent from Claim 1, is not anticipated by Gallet et al. However, the compound of claim 20 in the instant invention is 1,4-diaza-bicyclo[3.2.2]nonane-carboxylic acid 4-bromo-phenyl ester which is as shown below (obtained from ChemDraw)

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1,4-diaza-bicyclo[3.2.2]nonane-4-carboxylic acid 4-bromo-phenyl ester where instant n is 1, m is 2, o is 1, X is O, Y is O and Q is 4-bromophenyl.

The compound of example 1 (compound no. 2 in the table on page 9) as described by Gallet et al. is as follows (from its reg no.)

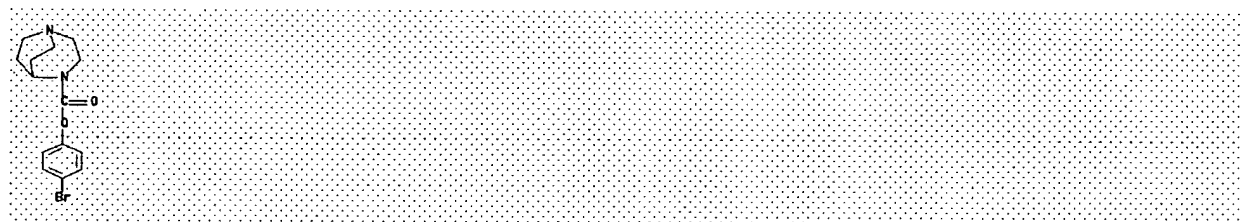
L1 1 ANSWERS REGISTRY COPYRIGHT 2005 ACS on STN

RN 298198-52-4

IN 1,4-Diazabicyclo[3.2.2]nonane-4-carboxylic acid, 4-bromophenyl ester (9Cl)

MF C14 H17 Br N2 O2

CI COM



Which is identical to the compound of claim 20 where X is O, n is 0, R¹, R², R⁴ and R⁵ are hydrogen and R³ is bromo.

Claim 20 is rejected under 35 U.S.C. 102(a) as being anticipated by Gallet et al., WO 00/58311, for reasons of record and stated above. Gallet teaches the compound of the instant Q moiety is 4-bromo-phenyl. See compound no. 2 in the table on page 9 where R₃ is bromo.

With regards to the 35 U.S.C. 103(a), obviousness rejection of claims 16-20 the applicants' amendments and remarks have been fully considered but they are not found persuasive. The applicants stated "no compound within the scope of Claims 16 to 20 is encompassed by the generic formula of Gallet et al. for the reason given above in the traverse of the anticipation rejection and even if compounds within the scope of Claims 16 to 20 were within the contemplation of the generic formula of Gallet et al., which applicants strongly submit is not the case, still in the absence of similar utility, which is not the case, the generic formula of Gallet et al. would not make obvious any of the compounds within the scope of Claims 16 to 20". The compounds of Gallet et al., are 1,4-diaza-bicyclo[3.2.2]nonane-carboxylic acid optionally substituted phenyl esters and amides as shown by the species in the Table on page 9 and for the same use as claimed herein.

The disclosure of a genus, which encompasses a multiplicity of species, including a claimed species, where it would not be obvious to utilize compounds of the genus in the utility of the claimed species does not present a prima facie case of obviousness. In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). It is emphasized that the sole application provided for the compounds within the scope of Gallet et al. are as therapeutics, the exact details of which is not provided in the brief English portion of Gallet et al. In the absence of the proffering of an English translation by the USPTO spelling out what therapeutic action are possessed by compounds within the scope of the Gallet et al., applicants submit that there is no disclosure or suggestion of using compounds within the scope of Gallet et al. in the treatment of schizophrenia or

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other disorders of the central nervous system. The utility of Gallet et al., while in French clearly depicts the same use of the compounds as claimed herein in the area of the central nervous system as shown on page 9, line 14, i.e. *systeme nerveux central* and especially for schizophrenia as shown on page 9, line 34, i.e. *schizophrenie* as well as others such as anxiety (*anxiete*), depression (*depression*), Alzheimer's (*d'Alzheimer*), Parkinson's (*au syndrome Parkinsonien*), etc.

Thus, one of ordinary skill in the art at the time the invention was made would have been motivated to select for example 2-methoxy, 2-nitro, 3-bromo, etc. as well as other possibilities from the generically disclosed alternatives of the reference and in so doing obtain the instant compounds in view of the equivalency teachings outlined above.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallet et al., WO 00/58311, for reasons of record and stated above.

Claim Objections

8. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda L. Coleman whose telephone number is 571-272-0665. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brenda L. Coleman
Primary Examiner Art Unit 1624
March 11, 2005